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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,090	03/25/2004	Michael K. Ishimitsu	MS306912.1	7651
27195 7590 05/14/2009 TUROCY & WATSON, LLP 127 Public Square 57th Floor, Key Tower CLEVELAND, OH 44114				
EXAMINER				
HO, ANDY				
ART UNIT		PAPER NUMBER		
2194				
NOTIFICATION DATE		DELIVERY MODE		
05/14/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket1@thepatentattorneys.com  
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### Office Action Summary

**Application No.**

10/809,090

**Applicant(s)**

ISHIMITSU ET AL.

**Examiner**

ANDY HO

**Art Unit**

2194

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 and 19-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-14 is/are allowed.
- 6) ☒ Claim(s) 15-17 and 19-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S5108)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This action is in response to the amendment filed 4/24/2009.
2. Claims 1-17 and 19-21 have been examined and are pending in the application.

***Allowable Subject Matter***

3. Claims 1-14 are allowed.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 15-17 and 20-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Mitchell U.S Patent No. 5,903,278.

**As to claim 15**, Mitchell teaches a computer-implemented method that facilitates access to a diagram comprising:

employing a control to access a diagram (Fig. 5 and associated specification);  
and,  
storing at least one shape element contained by the diagram (human shapes, Fig. 5),

wherein each shape is directly linked to a domain specific language elements that the shape represents thereby facilitating manipulation of a domain specific language instance model via the diagram (lines 37-46 column 6).

**As to claim 16**, Mitchell further teaches the control maintaining state information associated with the diagram (lines 28-30 column 6).

**As to claim 17**, it is a computer product claim of claim 15. Therefore, it is rejected for the same reasons as claim 15 above.

**As to claim 20**, Mitchell teaches a computer-implemented diagram system comprising:

means for storing at least one shape element in a diagram (human shapes, Fig. 5), the diagram and/or the shape element being responsible for painting themselves (lines 2-17 column 8) and responding to a user interaction (lines 47-67 column 6);

means for accessing the diagram (lines 37-46 column 6); and,

means for maintaining state information associated with the diagram (lines 28-30 column 6),

wherein at least one shape element having a child shape element (human shapes, Fig. 5).

**As to claim 21**, Mitchell teaches a method for diagramming comprising:

managing presentation elements comprised of diagrams and shapes in a same context as correspondingly depicted design elements of a diagram on design surface in an object model diagramming system to avoid synchronization issues of mirrored presentation and design classes (lines 22-46 column 6);

providing an object model application programming interface comprising a single diagram control for the design surface (lines 37-46 column 6) that maintains state information associated with the diagram by capturing events (lines 28-30 column 6); and rendering shapes of the diagram that are responsible for painting themselves (lines 2-17 column 8) and for responding to user interaction via a user interface (lines 47-67 column 6), making implementation very light weight and independent of any specific diagram (lines 11-28 column 3).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell in view of Bennett U.S Patent No. 7,068,290.

**As to claim 19**, Mitchell teaches a computer readable medium storing computer executable components of a diagram system comprising:

a diagram component that stores at least one shape element (Fig. 5 and associated specification); and,

an application program interface component that includes a control that facilitates access to the diagram (lines 37-46 column 6), the control maintaining state information associated with the diagram (lines 28-30 column 6).

Mitchell does not teach the use of a graph object employed for hittesting for testing a shape that has been user dropped by dragging.

Bennett teaches (Hittest, column 11) a graphical system having a Hittest object. It would have been obvious at the time the invention was made to a person of ordinary skill in the art to have modified Mitchell reference to include the teachings of Bennett reference because by using a Hittest object, the system could monitor user's mouse movement, as disclosed by Bennett.

### ***Response to Arguments***

6. Applicant's arguments have been fully considered but are moot in view of the new ground(s) rejection.

Applicant's arguments presented issues which required the Examiner to further view the previous rejection. The Examiner conducted a further search regarding the issues mentioned in Applicant's response. Therefore, all arguments regarding the cited references of the previous rejection are moot in view of the new grounds of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy Ho whose telephone number is (571) 272-3762. A voice mail service is also available for this number. The examiner can normally be reached on Monday – Friday, 8:30 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng An can be reached on (571) 272-3756.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIM) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Any response to this action should be mailed to:

Commissioner for Patents  
P.O Box 1450  
Alexandria, VA 22313-1450

Or fax to:

- AFTER-FINAL faxes must be signed and sent to (571) 273 - 8300.

Art Unit: 2194

- OFFICAL faxes must be signed and sent to (571) 273 - 8300.
- NON OFFICAL faxes should not be signed, please send to (571) 273 – 3762

/Andy Ho/

Primary Examiner

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